

AMENDMENT AND RESPONSE

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Serial No.: 10/008,465

Filing Date: 11/9/2001

Attorney Docket No. 100.342US01

Title: NON-CHRONOLOGICAL SYSTEM STATISTICS

REMARKS

Applicant has reviewed the Office Action mailed on September 9, 2005 as well as the art cited. Claims 1-64 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 28, 29, and 59 are rejected under 35 USC § 102(a) as being anticipated by O'Reilly et al. (U.S. Patent No. 5,551,025). *Note:* In rejecting claims 1, 2, 28, 29 and 59, the Examiner cites 35 U.S.C. § 102(e) as the appropriate basis for the rejection. However, in discussing the rejection of said claims, the Examiner refers to 35 U.S.C. §102(a). Upon further review of the office action and cited art, Applicant understands the Examiner's basis for rejection to be 35 U.S.C. §102(a) and not 35 U.S.C. §102(e).

Claim 1 is directed to a method of collecting system statistics in a telecommunications device. The method comprises, in part, generating a sequence of time intervals from a relative time reference.

The Examiner states that O'Reilly discloses "generating a sequence of time intervals from a relative time reference" based on column 5 lines 28-30 in O'Reilly. ¶2 Office Action (OA) dated 09/09/2005. O'Reilly column 5 lines 28-30 discusses "statistics for customers are collected from the telecommunications network and are accumulated at specific time intervals." Although O'Reilly discusses collecting statistics at specific time intervals, nothing in O'Reilly discloses "generating a sequence of time intervals from *a relative time reference*." The Examiner asserts that "it is inherent that the specific time interval is generated from a relative time reference." *Id.* Applicant respectfully disagrees with the Examiner's assertion that a relative time reference is inherent. As stated in the specification, "the start and end of the system statistics time intervals typically are marked or indicated by *a chronological time reference* or absolute time clock, generally referred to as an absolute time reference. Embodiments of the present invention utilize *a relative time reference that is not tied to chronological time* in the collection of system statistics." ¶24. Applicant asserts that there is nothing in O'Reilly to suggest that the specific time intervals as discussed in O'Reilly are generated from a relative time

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reference as disclosed in claim 1. Therefore, O'Reilly does not disclose all the limitations of claim 1 and Applicant requests that the Examiner withdraw the rejection.

Claim 2 depends directly from claim 1 and, thus, is allowable for at least the reasons provided above with respect to claim 1.

Claim 28 is directed to a telecommunications device. The telecommunications device comprises at least one communication link interface, a relative time reference clock, and a system statistics monitor, wherein the system statistics monitor gathers and stores statistics on the operation of the telecommunications device and the at least one communication link interface over the duration of a sequence of selected time intervals as defined by the relative time reference clock.

In rejecting claim 28, the Examiner repeated arguments made in rejecting claim 1 above. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 1. Claim 28 is, therefore, not anticipated by O'Reilly and the rejection should be withdrawn.

Claim 29 depends directly from claim 28 and, thus, is allowable for at least the reasons provided above with respect to claim 28.

Claim 59 is directed to a performance statistics monitor method in a telecommunications device having at least one communication link interface, a relative time reference clock, and a performance statistics monitor. The method comprises, in part, generating a sequence of time intervals from a relative time reference.

In rejecting claim 59, the Examiner repeated arguments made in rejecting claim 1 above. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 1. Claim 59 is, therefore, not anticipated by O'Reilly and the rejection should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 11, 12, 37, and 38 are rejected under 35 USC § 103(a) as being unpatentable over O'Reilly et al. (U.S. Patent No. 5,551,025) in view of Henderson (U.S. Patent No. 6,647,109).

Claim 11 is directed to a method of collecting performance statistics in a G.SHDSL compatible device. The method comprises generating a sequence of time intervals from a

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relative time reference, gathering performance statistics on a G.SHDSL compatible device over the duration of each time interval; and storing a summarized record of the G.SHDSL compatible device performance statistics for the time interval at the conclusion of each selected time interval.

The Examiner asserts that "O'Reilly et al. discloses all of the subject matter in the above paragraph except for specifically teaching the modem is a G.SHDSL device." ¶ 4 OA dated 09/09/2005. Applicant respectfully traverses this rejection.

Applicant asserts that O'Reilly does not teach or suggest "generating a sequence of time intervals from *a relative time reference*" as disclosed in claim 11. As stated in the specification, "the start and end of the system statistics time intervals typically are marked or indicated by *a chronological time reference* or absolute time clock, generally referred to as an absolute time reference. Embodiments of the present invention utilize *a relative time reference that is not tied to chronological time* in the collection of system statistics." ¶ 24. Applicant asserts that there is nothing in O'Reilly and Henderson, standing alone or taken together, that teaches or suggests the claimed "generating a sequence of time intervals from a relative time reference." Claim 11, therefore, is not obvious over O'Reilly in view of Henderson. Applicant requests that the Examiner withdraw the rejection.

Claim 12 depends directly from claim 11 and, thus, is allowable for at least the reasons provided above with respect to claim 11.

Claim 37 is directed to a G.SHDSL communications device. The communications device comprises at least one communication link interface, a relative time reference clock, a performance statistics monitor, wherein the performance statistics monitor gathers and stores performance statistics on the operation of the G.SHDSL communications device and the at least one communication link interface over the duration of a sequence of selected time intervals as defined by the relative time reference clock.

In rejecting claim 37, the Examiner repeats arguments made above with respect to claim 11. Applicant refers the Examiner to Applicant's arguments made above with respect to claim 11. Claim 37 is, therefore, not obvious over O'Reilly in view of Henderson and the rejection should be withdrawn.

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Claim 38 depends directly from claim 37 and, thus, is allowable for at least the reasons provided above with respect to claim 37.

Claim 53 is rejected under 35 USC 103(a) as being unpatentable over O'Reilly et al. (US Patent No. 5,551,025 in view of Langberg et al. (US Patent No. 5,852,630).

Claim 53 is directed to a machine-usable medium having machine readable instructions stored thereon for execution by a processor of a telecommunications device to perform a method. The method comprises generating a sequence of time intervals from a relative time reference, gathering performance statistics on a telecommunications device over the duration of each time interval, and storing a summarized record of the telecommunications device performance statistics for the time interval at the conclusion of each selected time interval.

The Examiner asserts that "O'Reilly et al. discloses all of the subject matter as described above except for the method written by a software program embodied in a computer-readable medium." ¶ 5 OA dated 09/09/2005. Applicant respectfully traverses this rejection.

Applicant asserts that O'Reilly does not teach or suggest "generating a sequence of time intervals from *a relative time reference*" as disclosed in claim 53. As stated in the specification, "the start and end of the system statistics time intervals typically are marked or indicated by *a chronological time reference* or absolute time clock, generally referred to as an absolute time reference. Embodiments of the present invention utilize *a relative time reference that is not tied to chronological time* in the collection of system statistics." ¶ 24. Applicant asserts that there is nothing in O'Reilly and Langberg, standing alone or taken together, that teaches or suggests the claimed "generating a sequence of time intervals from a *relative time reference*." Claim 53, therefore, is not obvious over O'Reilly in view of Langberg. Applicant requests that the Examiner withdraw the rejection.

Allowable Subject Matter

Claims 22-27 and 46-52 are allowed.

Applicant thanks the Examiner for the indication that claims 22-27 and 46-52 were allowed.

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Claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64 each depend directly or indirectly from claims 1, 11, 28, 37, 53, and 59, respectively. In light of the arguments presented above with regards to claims 1, 11, 28, 37, 53 and 59, Applicant has not amended claims 3-10, 13-21, 30-36, 39-45, 54-58 and 60-64.

CONCLUSION

Applicant respectfully submits that claims 1-64 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1680.

Respectfully submitted,

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